

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1, 3-8, and 11-13 are pending. Claims 1, 11, and 13 are amended to incorporate the features of now-canceled dependent Claim 9. Support for the amendments to Claims 1, 11, and 13 can be found in now-canceled dependent Claim 9 and in numbered paragraph [0018] of the published application, for example. No new matter is added. Claims 2, 9, and 10 are canceled without prejudice or disclaimer.

In the outstanding Office Action, Claims 1-3, 6, and 9-12 were rejected under 35 U.S.C. § 103(a) as obvious over Riboud (U.S. Patent No. 3,417,418, herein "Riboud") in view of Wood (U.S. Patent No. 5,763,038, herein "Wood"). Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as obvious over Riboud in view of Wood and Shizuno et al. (U.S. Patent Pub. 2003/0088928, herein "Shizuno"). Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as obvious over Riboud and Wood in view of Hukuba (U.S. Patent No. 5,548,861, herein "Hukuba").

Applicants first note that Shizuno is disqualified, under 35 U.S.C. § 103(c), as a reference in any obviousness rejection of the pending claims. A translation of a certified copy of the foreign priority document and a statement signed by the translator is submitted herewith. The now-perfected foreign priority date is December 26, 2002. The publication date of Shizuno May 15, 2003. Accordingly, Shizuno is antedated as a reference under 35 U.S.C. § 102(a). Shizuno was published less than one year before the PCT filing date of the parent of this national stage application, and therefore, Shizuno does not qualify as a reference under § 102(b). A statement of common ownership is provided below.

STATEMENT CONCERNING COMMON OWNERSHIP

Applicant respectfully submits that the subject matter of Shizuno and the claimed subject matter of the present invention were, at the time the present invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Although Shizuno does not indicate its assignee on its face, the U.S. PTO database lists Kao as the assignee of Shizuno as confirmed by the statement of common ownership above.

MPEP § 706.02(I)(2) states:

The following statement is sufficient evidence to establish common ownership of, or an obligation for assignment to, the same person(s) or organization(s):

Applicants and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time invention was made, if the applicant(s) or an attorney of agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

See “Guidelines Setting Forth a Modified Policy Concerning the Evidence of Common Ownership, or an Obligation of Assignment to the Same Person, as Required by 35 U.S.C. 103(c),” 1241 O.G. 96 (December 26, 2000).¹

Accordingly, Applicant respectfully submits that, under the safe-haven provision in 35 U.S.C. § 103(c), Shizuno is disqualified as a reference against the pending claims in any rejection under 35 U.S.C. § 103, and the rejection of Claims 4 and 5 as obvious over Riboud in view of Wood and Shizuno is overcome.

Regarding the rejection of Claims 1-3, 6, and 9-12 as obvious over Riboud in view of Wood, Claims 2, 9, and 10 are canceled without prejudice or disclaimer, and the rejection of these claims is negated. Regarding the rejection of Claims 1, 3, 6, and 11-12 as obvious over Riboud in view of Wood, that rejection is respectfully traversed by the present response.

Amended independent Claim 1 recites, in part:

a first plurality of adjacent layers are disposed in a first group and have a first width, and a second plurality of adjacent layers are disposed in a second group and have a second width that is larger than the first width, and the first group is disposed closer to the core tube than is the second group.

¹ MPEP § 706.02(I)(2)II.

Accordingly, a plurality of adjacent layers of adhesive tapes are disposed in a first group and have a first width. A second plurality of adjacent adhesive layers are disposed in the second group and have a second width that is larger than the first width. The first group is closer to the core tube than the second group is.

As discussed in the specification, the different widths of sheets reduces the likelihood of double-peeling a sheet because the different widths prevent seams between sheets from overlapping. One benefit of the arrangement recited in amended Claim 1 is that fewer sizes of adhesive tapes are produced than when every adhesive tape is has a unique width. Therefore, the adhesive roll cleaner is easier to manufacture.

In contrast, Riboud does not teach or suggest providing sheets of different widths, much less providing sheets in **groups** with different widths as recited in amended independent Claim 1. The outstanding Office Action relies on Wood for the above-noted feature.²

Wood describes, as shown in Fig. 2, a perforated tape (12) with an outermost sheet (34) separated from inner sheets by a perforation (32). Each sheet of the roll (10) is defined by two perforations (32), one on each end. The length of each sheet of the roll (10) is therefore determined by the placement of the perforations (32). Each sheet has a unique length as determined by a changing placement of the perforation (32). The entire roll (10) has a constant width as shown in Fig. 2. In other words, the outstanding Office Action relies on the different **lengths** of the sheets of the roll (10) for the different **widths** of the adhesive tapes recited in independent Claim 1. The outstanding Office Action states:

Wood teaches an adhesive tape which is located at the upper layer having a larger length than that of the adhesive tape which is located at the lower layer (Column 1, lines 53-56), the length of the adhesive tapes increase stepwise or gradually toward the upper layer (Column 3, line 55 to Column 4, line 12), the positions of the perforations are different between

² Outstanding Office Action, page 9.

adjacent layers in the thickness direction (Figure 4, #32) and the adhesive tapes each have a non-adhesive portion with no adhesive applied on both longitudinal sides of the adhesive tape (Column 2, lines 23-29) as part of a lint removal tape (Column 4, line 63) for the purpose of having an outermost sheet that covers the perforations of the underneath layers which reduces instance of the tape tearing in a downweb direction (Column 1 lines 59-63).³

Accordingly, the outstanding Office Action relies on the lengths of the various sheets described by Wood for the feature of tapes having different widths as recited in independent Claim 1.

However, as shown in Fig. 2, all of the sheets described by Wood have different lengths, and no **groups** of adjacent sheets having a same length is taught or suggested. Accordingly, assuming *arguendo* that the varying lengths described in Wood can be substituted for the different widths recited in independent Claim 1 as asserted in the outstanding Office Action, Wood does not teach or suggest the groups recited in amended independent Claim 1. Rather, Wood fails to teach or suggest any groups of adjacent layers all having a first width, and another group of adjacent layers all having a second width different from the first width as recited in amended independent Claim 1. Accordingly, Applicants respectfully submit that no proper combination of Riboud and Wood would include all of the features recited in amended independent Claim 1.

The outstanding Office Action states:

With regard to the limitations of "wherein the width of the of the adhesive tapes in each layer stepwise increases and the adhesive tapes within a group all have a same width and the adhesive tapes having different widths being arranged such that he width of the adhesive tapes stepwise increases toward an outside so that the adhesive tape that is lowest has the smallest width and an adhesive tape that is uppermost has a largest width, and a width of an adhesive tape which is positioned in the middle of the uppermost and lowest adhesive tapes is between the largest and smallest width and the angle of winding increases from the lower layer to the upper layer" ... In the instant case, the application does not indicate any new,

³ Outstanding Office Action, page 9.

significant attributes of the invention due to its shape that would have been unforeseen or even an unforeseen result to one of ordinary skill in the art.⁴

Accordingly, the outstanding Office Action does not give patentable weight to the feature of the adhesive tapes within a group having a same width.

However, as discussed above, providing groups of adhesive tapes having identical widths within the group facilitates the manufacture of the adhesive tapes. Less complicated machinery is required for the production of the adhesive tapes, and programming of any automated system used in the production of the adhesive tapes is simplified. Accordingly, Applicants respectfully submit that the above-noted feature recited in amended independent Claim 1 provides a benefit and is significant within the guidelines set forth in In re Dailey.

MPEP § 2144.04 states:

B. Changes in Shape

In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) (The court held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.).

Accordingly, when a change of shape is **significant**, the PTO must give the recited feature patentable weight. As discussed above, the recited grouping of the layers in amended independent Claim 1 provides a benefit inasmuch as production of the recited adhesive tapes is easier. Thus, Applicants respectfully submit that the features discussed above regarding the grouping of adhesive layers with the same width should be given patentable weight under the standard set forth in MPEP § 2144.04 and in In re Dailey. Accordingly, Applicants respectfully submit that amended independent Claim 1 patentably distinguishes over any proper combination of Riboud and Wood for at least the reasons discussed above.

⁴ Outstanding Office Action, page 10.

Each of amended independent Claims 11 and 13 recite substantially similar features to those discussed above regarding amended independent Claim 1 and patentably distinguish over any proper combination of Riboud and Wood for at least the same reasons as amended independent Claim 1 does.

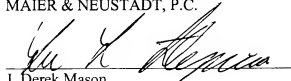
Hukuba fail to remedy the deficiencies discussed above regarding Riboud and Wood. Rather, Hukuba does not disclose adhesive tape with different widths, much less adhesive tapes within different groups having different widths as recited in amended independent Claims 1, 11, and 13. Accordingly, Applicants respectfully submit that amended independent Claims 1, 11, and 13 each patentably distinguish over Hukuba over any proper combination of Riboud, Wood, and Hukuba for at least the reasons discussed above.

Each of dependent Claims 3-8 and 12 depends from amended independent Claim 1 and patentably distinguishes over any proper combination of the cited references for at least the same reasons as amended independent Claim 1 does.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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